



Department of Employment & Temporary Assistance

Julie Hornback, Director

June 16, 2008

JUN 18 2008

Ramon S. Lopez, Chief
Civil Rights Bureau
Human Rights and Community Services Division
Department of Social Services
744 P Street
Sacramento, CA 93814

Dear Mr. Lopez,

The Fresno County Department of Employment and Temporary Assistance is pleased to provide you with our Corrective Action Plan in response to the Civil Rights Compliance Review conducted March 25-28, 2008. While the department has worked hard to achieve fewer deficiencies during this review, we will be utilizing this Corrective Action Plan to ensure that we exceed your expectations in the future.

Please notice that our Facilities Division is currently in negotiations with the owners of the buildings that are in need of corrective actions. It is my sincere desire to have these negotiations completed as soon as possible in order to better serve our clients. The Fresno County Department of Employment and Temporary Assistance will continue to maintain the "gold standard" of excellence in compliance.

If you have any questions or concerns in regard to this Corrective Action Plan, please contact Reneeta Anthony, Civil Rights Coordinator, at (559) 453-3858. We look forward to our continued collaboration in the area of improving services to Fresno County residents.

Sincerely,

Julie Hornback, Director

Attachment

Cc: Mike Papin, CDSS Food Stamps Corrective Action Management/Evaluation Bureau
Steve Hemmerling, Food Stamps Corrective Action Management/Evaluation Bureau
Reneeta Anthony, Civil Rights Coordinator, Fresno County Department of Employment and Temporary Assistance

CIVIL RIGHTS COMPLIANCE REVIEW REPORT

I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Fresno County Department of Employment and Temporary Assistance (FCDETA) with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on March 25-27, 2008. An exit meeting was held with FCDETA Director Julie Hornback, Civil Rights Coordinator Reneeta Anthony, as well as other administrative and program staff on March 28, 2008 to review the findings.

The review was conducted in the following locations:

Address	Programs	Non-English languages spoken by a Substantial number of clients (5% or more)
Coalinga Regional Center 311 Coalinga Plaza Coalinga, CA	CalWORKS Cash, Non-Assistance Food Stamps	Spanish
Senior Resource Center 3821 N. Clark St. Fresno, CA	In-Home Supportive Services	Spanish
Modular Unit "D" 4452 E. Kings Canyon (WTW) Fresno, CA	Employment Services	Spanish
Fulton Center 1821 N. Fulton Fresno, CA	Non-Assistance Food Stamps	Spanish

II. SUMMARY OF METHODOLOGY

- Reviewed the 2007/2008 Annual Civil Rights Plans submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.

On-site review procedures included:

- Interviews of public contact staff
- Survey of program managers
- Case file reviews
- Facility inspections

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

Interviews Conducted of Public Contact Staff:

Classifications	Total	Bilingual
Eligibility Workers	8	8
Adult Social Workers	3	2
Job Specialists	3	2
Office Assistants	4	3
Total	18	15

Program Manager Surveys:

Number of surveys distributed	4
Number of surveys received	4

Reviewed Case Files: Total: 102

English speakers' case files reviewed	13
Non-English or limited-English	89

speakers' case files reviewed	
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Languages of clients' cases:	English, Spanish, Cambodian, Armenian, Laotian & Hmong
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Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX of the report is reserved for a declaration of overall compliance.

III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non-English and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

A. Findings

Access to Services, Information and Outreach	Yes	No	Sometimes	Comments
Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in?	X			Business hours are Monday through Friday, 8:00 a.m.-5:00 p.m. Special arrangements can be made with workers for extended hours. Applications can be mailed into the office when necessary.
Does the county have extended hours to accommodate clients?	X			Specific arrangements can be made with workers to accommodate client's needs.

Can applicants access services when they cannot go to the office?	X			IHSS applications and renewals are taken in-home. Special arrangements can be made for in-home applications with the workers for other programs.
Does the county ensure the awareness of available services for individuals in remote areas?	X			Staff report that outreach activities are held at various schools and community events, as well as collaborative efforts with other community services, local media and websites.
Signage, posters, pamphlets	Yes	No	Sometimes	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13)? Is the pamphlet distributed and explained to each client at Intake and renewal/re-certification?	X			Staff interviewed consistently stated that they distribute and explain the Pub 13 at Intake and Renewal/Recertification.
Was the current version of Pub 13 available in English, Lao, Spanish, Vietnamese, Hmong, Chinese, Russian, Korean, Farsi, Armenian and Cambodian?	X			Fresno County DETA has an exceptional display of Pub 13's in all of the facilities reviewed. Mirian Fernandez and the clerical staff from the Coalinga Regional Center made an outstanding effort of putting together a Civil Rights binder with all of the Required languages and formats of the Pub 13 while the reviewer was there.

Was the Pub 13 available in large print, audio and Braille?	X			All of the facilities reviewed had all of the alternate formats of the Pub 13 in the reception area.
Were the current versions of the required posters present in the lobbies?	X			Required and current versions of Civil Rights posters were found in all lobbies reviewed.
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?	X			Instructional and directional signage was found in Spanish which is the appropriate threshold language for the facilities reviewed.

B. Corrective Actions:

NONE REQUIRED

C. Observations:

**In lieu of the alternate audio version of the Pub 13 via CD ROM and/or cassette tape/player, FCDETA has implemented another auxiliary aid for the visually impaired. The Pub 13 for the blind or visually impaired applicant/recipient is now accessed by the client through the FCDETA intranet in all languages available. This process was demonstrated to the reviewer by the Civil Rights Coordinator, Reneeta Anthony. The reviewer found this to be an excellent resource, as PC stations are available at each reception/lobby area as well as staff available to assist the client. With the continued evolution of technology, this new process of accessing the Pub 13 in all languages via the county's intranet far surpasses the out-dated mode of cassette tape and player, etc. for the visually impaired client.

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

A. Findings and Corrective Actions

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

Facility location: Coalinga Regional Center, 311 Coalinga Plaza, Coalinga, CA

Facility Element	Findings	Corrective Action
Parking Lot:	The parking lot is a City lot. There is one lot in the back of the agency. There are two entrances to the lot. One entrance has required "unauthorized parking" signage at entrance to off-street accessible parking and one does not.	One parking lot entrance needs additional signage which shall be posted in a conspicuous place at entrances to off-street parking facilities, or adjacent to and visible from each space. The sign shall be 17" by 22" minimum in size with lettering 1" minimum high, stating: "unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephone _____." (CA T24 1129B.5) p. 133

FRESNO COUNTY'S RESPONSE:

The County will negotiate with the landlord to make these corrections. Schedule will be developed once an agreement has been reached.

<p>Pavement markings:</p>	<p>Accessible signage with International Symbol of Accessibility (ISA) does not clearly depict a wheelchair with occupant and needs to be repainted. (All accessible parking spaces and access aisles need to be re-painted/re-striped.)</p> <p>Need to paint the words "NO PARKING" on pavement in all access aisles.</p> <p>The required access aisles for loading/unloading passengers do not connect to an accessible path of travel. There is no safe route of travel from existing access aisles main entrance. Currently, persons with disabilities are required to travel behind cars other than their own, cross the parking lot and exit to the sidewalk, facing incoming and out-going traffic along side of them.</p>	<p>Pavement signage shall be 36"X 36" minimum, white on blue in color, visible and centered.</p> <p>The words "NO PARKING" shall be painted on the ground in each 5' or 8' loading and unloading access aisle in white letters no smaller than 12". (CA T24 1129B.4.1&2) p. 135</p> <p>Accessible parking must be located on the shortest accessible route from the entrance. (CA T24 1129B.1.2, ADA 4.3.2 (1) . 131</p> <p>The accessible aisles for loading and unloading passengers must connect to the accessible path of travel, including curb cuts or ramps as needed. (CA T24 1129B.4.3, ADA 4.6.3) p. 136</p> <p>Persons with disabilities shall not be forced to go behind other parked cars except their own. (CA T24 1129B.4.3) p. 136</p> <p>Recommendation: Re-locate all accessible</p>
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		parking to the side of the lot closest to the sidewalk and install curb cuts from the access aisles to the sidewalk. Another option is to connect all access aisles across the lot and install curb cuts from the access aisles to the sidewalk.
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FRESNO COUNTY'S RESPONSE:

The County will negotiate with the landlord to make these corrections. A schedule will be developed once an agreement has been reached.

Main Entrance	A. The front door pressures are too heavy, between 9-10 pounds each.	The force to open doors, exterior and interior is 5 pounds maximum. (CA T24 1133 B.2.5, ADA 4.13.11 (2) (a) & (b)) p. 195
Elevator	B. The elevator met the minimum standard for accessibility. The dimensions measured 82" X 59", which is slightly more than required for a center-opening door (80"X54") and (68"X54") for a side opening door. This elevator is normally used to transport persons to the basement for Orientation. Since its entrance is accessible and usable by persons with disabilities, (including standard-sized wheelchairs) it should be designated as accessible by installing the ISA signage.	Entrances that are accessible and usable by persons with disabilities are identified with at least 1 International Symbol of Accessibility. CA T24 1117.B.5.8.1.2) p. 229
Restrooms: Both Men's & Women's	C. Door pressure to enter restroom is too heavy at 10 pounds. D. Pipes are wrapped, but coming loose. Recommend re-wrapping of pipes under sink to provide secure insulation of hot water and drain pipes.	Decrease door pressure to 5 pounds. Interior doors will have 5 pounds maximum pressure. CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195 Hot water and drain pipes must be insulated or covered. No sharp or abrasive surfaces should exist under lavatories or sinks. (CA T24 1115B2.12, 1115B.7.1.1, 1115B.9.1, ADA 4.19, 4.23 & 4.27)

FRESNO COUNTY'S RESPONSE:

A. It is anticipated that the correction to the door pressure will be completed by June 30, 2008.

B. It is anticipated that the correction to the elevator will be completed by June 30, 2008.

C. It is anticipated that the correction to the door pressure will be completed by June 30, 2008.

D. It is anticipated that the correction to the sink pipes will be completed by June 30, 2008.

Facility Location: Senior Resource Center, 3821 N. Clark St., Fresno CA

Facility Element	Findings	Corrective Action
Main Entrance	A. The door pressure for the front double doors is slightly too high, measuring 8 lbs. on the left side and 6 lbs. on the right.	Decrease door pressure to 5 pounds. Interior doors will have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195
Restroom Signage (Both Men's & Women's)	B. The required accessible signage for the restroom doors is not present. The triangle symbol for men and circle for women's facilities is present, but the pictograms and verbal descriptions are not.	Permanent wall signs and door signs must be installed. Door and wall signage must be at 60" from the floor to the mid point of the sign. Raised characters must be a minimum of 5/8" high and the maximum of 2" high. Raised characters must be raised 1/32" minimum and shall be Sans Serif uppercase characters accompanied by Grade 2 Braille. Pictograms shall be accompanied by verbal description placed directly below. (CA T24 1117B.5.7, ADA

	C. Restroom door pressures slightly too high with pressure measuring 7-8 pounds	4.22.2, & 4.30) p. 263 Decrease door pressure to 5 pounds. Interior doors will have 5 pounds maximum pressure. (CA T24 1133B.25, ADA 4.13.11(2)(b)) p. 195
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Facility Location: Modular Unit "D", 4452 E. Kings Canyon Rd., Fresno CA

Facility	Findings	Corrective Action
Parking Lot	A. There is a small parking lot located in the back of the Intake Building, which also serves as parking for Modular "D" as well. There is one free-standing accessible sign in the designated accessible parking space in the back of the Intake Bldg., which is posted too low at 70". There is an awning which prohibits raising the sign. Recommend installing signage at minimum of 80" from the ground on an independent pole.	Freestanding sign height shall be at 80" minimum from the bottom of the sign to the top of the finished grade. (CA T24 1129B.5, ADA 4.6.5) p. 133
Restrooms	B. Pipes under sinks in both Men's and Women's restrooms need to be re-wrapped. C. The operable part of the feminine product dispenser in the Women's restroom is located higher than 40" from the floor. If dispenser is never	Hot water and drain pipes must be insulated or covered. No sharp or abrasive surfaces should exist under lavatories or sinks. (CA T24 1115B2.1.2, 1115B.7.1., 1115B.9.1, ADA 4.19, 4.23 & 4.27) Lower the existing dispensers/disposals to 40" maximum, or add another which is compliant.

	stocked or inoperable, consider removing it altogether.	If towel, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40" from the floor. (CA-ACRM 1115B.9.2 and CA-ACRM 1115B.9.1.2, ADA 4.19.6 p. 269
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FRESNO COUNTY'S RESPONSE:

A.	There is an ISA sign in the parking lot that is too low. E&TA will raise the ISA sign to the correct height of 80 inches by July 30, 2008.
B.	The pipes under both sinks needed to be re-wrapped. This has been completed.
C.	The feminine hygiene product dispenser is too low. We plan to remove the dispenser by July 30, 2008.

Facility Location: Fulton Center, 1821 N. Fulton, Fresno. CA

Facility Element	Findings	Corrective Action
Parking Lot	A. The entire accessible parking area is out of compliance.	REPEAT FINDING FROM 2006 REPORT Signage shall be posted in a conspicuous place at entrances to each off-street parking facilities, or adjacent to and visible from each space. The sign shall be 17" by 22" minimum in size with lettering 1" minimum high, stating: "unauthorized vehicles parked in designated accessible

		<p>spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____." (CA T24 1129B.5) p. 133</p> <p>Accessible parking spaces shall be located as near as practical to a primary entrance and shall give required spaces according to (CA T24 1129B.1, ADA 4.1.2 (5) (a) p. 132</p> <p>One in every 8 accessible spaces (no less than 1) shall be designated van accessible. (CA T24 1129B.1, 4.2 ADA 4.1.2(5)(b) pp. 135, 136</p> <p>The height for freestanding signage shall be 80" minimum from the bottom of the sign to the top of the finished grade. (CA T24 1129B.5, ADA 4.6.5) p133. Wall signage shall be centered 36" minimum above grade, ground, or sidewalk at the interior end of the space. (CA T24 1129B.5) p. 133</p> <p>Accessible Space Minimum: The length of an accessible parking space shall be at least 18' long, and 9' wide. (CA T24 1129B.4.1) p. 135. The designated access aisle for a regular</p>
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		<p>accessible space shall be 18' X 5': minimum for cars. (CA T24 1129B.4.1 & 2, ADA 4.6.3) p. 135</p> <p>Van-Accessible Space Minimum: The length of the parking space shall be at least 18' long, 9'wide. (CA T24 1129B.4.1) p. 135 The van-access aisle shall be 18' X 9' minimum on the passenger side. (CA T 24 1129B.4.1, ADA 4.6.3) p. 135</p> <p>One in every 8 accessible spaces (p 136) and no less than 1 shall be served by an access aisle 96" wide, (minimum) placed opposite the driver's side and shall be designated as Van-Accessible. (CA T24 1129.B.4.2, ADFA 4.1.2(5)(b)) p. 5</p> <p>Van-accessible parking spaces shall have a sign "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. (CA T24 1129B.5, ADA 4.6.4) p. 133</p> <p>Pavement signage shall be 36" X 36" minimum, white on blue in color, visible and centered. (CA T24 1129B.51 & 2) p. 133</p> <p>The words "NO</p>
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		<p>PARKING shall be painted on the ground in each 5' or 8' loading and unloading access aisle in white letters no smaller than 12". (CA T24 1129B.4.1 & 2) p. 135</p> <p>Persons with disabilities shall not be forced to go behind parked cars except their own. (CA T24 1129B.4.3)</p> <p>The accessible aisles for loading and unloading passengers must connect to the accessible path of travel, including curb cuts or ramps as needed. (CA T24 1129B.4.3, ADA 4.6.3) p. 136</p>
Main Entrance	<p>B. Front door pressure is way too heavy measuring 16 pounds.</p>	<p>Walkways must be minimum of 48" wide. CA T24 11337B.7.1)</p> <p>Accessible parking shall be located on the shortest accessible route. (CA T24 1129.B.1.2, ADA 4.3.2 (1))</p> <p>REPEAT FINDING FROM 2006 REVIEW Force to open exterior and interior doors is 5 pounds maximum. (CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)) p. 195</p>

FRESNO COUNTY'S RESPONSE:

A. The County will negotiate with the landlord to overhaul the parking lot and bring it into compliance to the current standard. A schedule will be developed once an agreement has been reached.

B. The main entrance door pressure is too great. Based on our evaluation, the

entire door and frame will need to be replaced. The County will negotiate with the landlord to make these corrections. A schedule will be developed once an agreement has been reached.

V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff is not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreters or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDDs), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews

Question	Yes	No	Some-times	Comments
Does the county identify a client's language need upon first contact? How?	X			Reception staff at initial contact identifies the language needs. If needed, the Language Line Identification Card is used.
Does the county use a "Primary Language Form"?	X			100% of the cases reviewed contained form #2229.
Does the client use a "Primary Language Form"?	X			

Are non-English or limited English-Speaking clients provided bilingual services?	X			Non-English clients are assigned bilingual workers, if possible. The staff also uses other bilingual staff and the Language Line, if necessary.
After it has been determined that the client is limited-English speaking, what is the county process for procuring an interpreter?	-	-	-	Assignment of bilingual worker if possible. FCDETA employs a large number of certified bilingual staff and is very culturally diverse. All of the workers interviewed knew how to secure an interpreter.
Is there a delay in providing services?		X		All staff interviewed and responses from the Program Manager survey state there is no delay in procuring interpretive services.
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			The county does have a bilingual worker list, as well as a contract with a Language Line.
Is bilingual staff certified?	X			FCDETA certifies bilingual staff through a process that tests verbal, reading and writing skills.
Does the county have adequate interpreter services?	X			Staff interviews and Program Manager survey results all indicate FCDETA has very adequate interpretive services.
Does the county allow minors to be interpreters? If so, under what circumstances?		X		The staff reports that using minors to interpret is not appropriate and not done unless extenuating circumstances exist.
Does the county allow the client to provide his or her own interpreter?	X			Yes, if the client insists. Even then, FCDETA will ask bilingual staff to sit in the interview, etc. Using the client's own interpreter is never recommended or suggested, per staff interviews.
Question	Yes	No	Some-times	Comments
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			See Above
Does the county use	X			CalWIN system issues forms and

the CEDSS-translated forms in the clients' primary languages?				notices in the client's primary language. The non-English cases reviewed had the appropriate language forms used.
Is the information that is to be inserted into NOA translated into the client's primary language?	X			This is found to be true based on the case file reviews.
Does the county provide auxillary aids and services, TDDs and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			The county staff stated they would provide their clients with whatever auxiliary aids they needed and would do "whatever it takes" to accommodate their clients. Staff indicated someone would be made available to assist the visually impaired client in filling out the forms.
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			Workers stated that they read the information slowly and carefully to the client, checking frequently for understanding.
Does the county offer screening for learning disabilities?	X			It is the policy of the Employment Services WTW staff to always offer this screening.
Is there an established process for offering screening?	X			Referred to Fresno State University for full evaluation. Also referred to Dept. of Rehabilitation.

B. Corrective actions:

NONE REQUIRED

VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/ recipient's request for auxiliary aids and services.

A. Findings from Case File Reviews and Staff Interviews

For each documentation item, the location and/or form where the item is documented in the case file is noted. Instances where the case review sample

did not contain evidence of the documentation item, the information is based on staff interviews.

Documented Item	CalWORKs (Cash) and Employment Services (WTW)	Food Stamps (NAFS)	Adult Programs (IHSS)
Ethnic origin documentation	SAWS-1, #0113	#0113 & SAWS-1	SOC 295
Primary language documentation	SAWS-1, #0113 & #2229	#0113, SAWS-1 & #2229	SOC 295, SOC 293A, IHSS 0038 & #2229
Method of providing bilingual services and documentation	Interpretive services are provided by bilingual workers, other bilingual staff, language line or client's own interpreter and are documented as such in the case narratives.	Interpretive services are provided by bilingual workers, other bilingual staff, language line or client's own interpreter and are documented as such in the case narratives. A few of the Fulton Office NAFS cases failed to document the bilingual worker's provision of interpretive services for subsequent office visits and telephone calls. (CORRECTIVE ACTION REQUIRED)	Interpretive services are provided by bilingual workers other bilingual staff, language line or client's own interpreter and are documented as such in the case narratives (IHSS 0038). IHSS SW's usually only see their client's at initial and renewal of eligibility.
Client provided own interpreter	Documented in case comments/Narrative & use of signed CSF2, "General Affidavit".	No sample cases where client provided own interpreter.	Documented in case comments/Narrative (IHSS 0038).
Method to inform client of potential problem using own interpreter	None located	No sample cases where client provided own interpreter.	Use of signed "Consumer Agreement To The Use of An Interpreter". (CSF13) located in case record.

Release of information to Interpreter	Use of signed CSF2, "General Affidavit" in case files	No sample cases- See Above.	Use of signed "Consumer Agreement To the Use Of an Interpreter" (CSF13) located in case files.
Acceptance or refusal of written material offered in primary language	Form #2229	Form #2229, #0113 & SOF	Form #2229 & reverse side of SOC 295
Documentation of minor used as interpreter	Not found	Not found	Not found
Documentation of circumstances for using minor interpreter temporarily	N/A	N/A	N/A
Translated notice of actions (NOA) contain translated inserts	Provided as needed.	Provided as needed.	Provided as needed.
Method of identifying client's disability	Statement of Facts, Case narratives, Screening Tool, case flags (No sample cases)	Statement of Facts, Case Narratives (No sample cases)	SOC 293A & narrative
Method of documenting a client's request for auxiliary aids and services.	Case narrative (No sample cases)	Case narrative (No sample cases)	Case narrative (IHSS 0038)

FRESNO COUNTY'S RESPONSE:

The Department revised and re-issued the PPG 15-07-058, Language Access (see Attachment), on May 23, 2008, which covers the topic of documentation when bilingual services are offered and/or accepted.

Included in PPG 15-07-058, Language Access, was the introduction of form 2229A. (This form should be used in conjunction with E&TA form 2229, which addresses the client's preferred language for verbal and written communication.) Form 2229A is a waiver of responsibility that the client must sign in order to proceed with an interview using his or her own interpreter. The form reads, in part, *"I understand that if this person fails to translate to and from my language and English accurately, my benefits may be issued incorrectly, delayed or erroneously denied. I agree not to hold the County of Fresno and its employees, officers and agents responsible for any negative outcomes*

from faulty, incorrect or misleading translation. Examples of such negative outcomes include, but are not limited to, restitution for overpayments of services that I do not qualify for, and delay or denial of services."

B. Corrective Actions:

Documentation that bilingual services were provided	REPEAT FINDING FROM 2007 REVIEW Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. div. 21-116.22
Documentation if client provided their own interpreter	REPEAT FINDING FROM 2007 REVIEW When applicants/recipients provide their own interpreter, the CWD shall ensure that the applicants/recipients are informed of the potential problems for ineffective communication. The CWD shall document the case record that the applicants/recipients were so informed.
General	FCDETA must ensure that proper documentation is kept in the file that identifies all the required elements to ensure compliance. Div. 21-116

Discussion:

Fresno County DETA has made a huge improvement in the area of documentation of the provision of interpretive services since the 2007 Review. The certified bilingual workers have done a **great** job in documenting their own provision of interpretive services. There were only a few cases where documentation of interpretive services was inadequate, based on Div. 21-116.22 and the CDSS's interpretation of that regulation. This area of deficiency was in the documentation of the case file for "**each occurrence**": when interpretation is provided. Although **significant improvement** was noted in the worker's documentation at initial and renewal/recertification's, subsequent face-to-face and telephone contact documentation of the provision of bilingual services was not always present. The current review standards are to the above referenced Division 21 regulations, along with the state's interpretation of them in accordance with ACIN NO. 1-09-06 and ACL NO. 06-20.

FRESNO COUNTY'S RESPONSE:

Civil Rights Compliance Review
Fresno DETA
March, 2008

Included in PPG 15-07-058, Language Access, were sections addressing forms and notices, documenting verbal interpretation, clients bringing in and using their own interpreters, the form 2229 and 2229A, accessing department and contracted interpreters, use of the language line and TDD services. The PPG was provided to all staff utilizing the department's internet instruction newsletter, the PS Newsletter.

Additionally, our Case Review process routinely reminds staff through the case review process to individual worker when any of the above situations arise.

VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

A. Findings

Interview questions	Yes	No	Some-times	Comments
Do employees receive continued Division 21 training?	X			The majority of the staff interviewed state they have received Civil Rights Division 21 training within the past year and on a regular basis.
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			All of the staff interviewed was familiar with how to handle a discrimination complaint.
Does the county provide employees Cultural Awareness Training?	X			
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			

Corrective Actions:**NONE REQUIRED****VIII. DISCRIMINATION COMPLAINT PROCEDURES**

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some-times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?	X			All of the staff interviewed was able to distinguish among the different types of complaints.
Did the employees know who the Civil Rights Coordinator is?	X			The staff interviewed knew that Reneeta Anthony is the CRC.
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	X			The majority of staff interviewed knew the posters were located in the lobby waiting area.
When reviewing the complaint log with the Civil Rights coordinator, was it up to date?	-	-	-	The complaint log has been forwarded to the assigned program analyst in the Civil Rights Bureau.

Corrective Action:**NONE REQUIRED****IX. CONCLUSION**

The CDSS found the Fresno County Department of Employment and Temporary Assistance in compliance with CEDSS Division 21 Regulations, and other applicable state and federal laws with some exceptions. The CDSS would like to acknowledge and thank Ms. Reneeta Anthony, Civil Rights Coordinator and Ms. Sunnie Deupree, Civil Rights Investigator for their outstanding efforts in coordination, assistance, and cooperation during the review this year. This year's review went incredibly smooth and efficient. The FCDETA staff interviewed was found to be extremely professional, pleasant and committed to providing outstanding service to their clients. It is obvious that customer service paired with quality and excellence are FCDETA's priority.

FCDETA is to be congratulated on achieving such an incredible rate of compliance improvement in the documentation of the provision of interpretive services. 100% of the cases reviewed contained fully completed #2229's (the County developed optional Primary language Form). Documentation of ethnicity and primary language (both written and verbal) was located in 100% of the cases reviewed. FCDETA should be very proud of all the hard work put forth to achieve this goal. This is a significant accomplishment, especially for a large county./

In addition to the area previously discussed regarding the documentation of the provision of bilingual services for "each occurrence", another area of deficiency where corrective action is required is regarding the Division 21 requirement of explaining to the client and documenting the case record of the potential for ineffective communication when using the client's own interpreter. We realize that this is not a frequent occurrence, as FCDETA's policy is to try to have a certified or contracted bilingual interpreter present, even if the cases reviewed that did not contain this required documentation, even though they did contain a signed consent for release of information (your CSFR "General Affidavit"). There were no sample cases reviewed in the Food Stamp program where the client provided their own interpreter, as the workers assigned were all bilingual. However, information from the staff interviews from both the CalWORKs and Non-Assistance Food Stamp programs indicate documenting this requirement may be overlooked much of the time. There appears to be a fairly easy solution to this problem, as your IHSS program has developed a consent for release of information from (CSF13, "Consumer Agreement to the Use of an Interpreter") which includes specific language to suffice for the Division 21 requirement. This form could be modified for use in all other programs.

The IHSS program has also implemented a very good narrative form, IHSS 0038. One recommendation to the form would be to include a line/space indicating the name of the language spoken during the course of the interview.

Additionally, another recommendation is, if **anyone** is acting as an interpreter for the client, that person should sign their name under "witness or interpreter" on the SAWS-1, DFA285A1 and Statement of Facts.

Congratulations on the new Senior Resource Center on N. Clark Street which is an outstanding new facility. The Coalinga Regional Center and Modular "D" reviewed well, with few deficiencies. What has been done since the 2006 review at the Fulton Office is quite remarkable. Congratulations there as well, on the new and compliant restroom facilities and water fountain. The remaining major area of non-compliance at Fulton is, of course, the parking lot.

Beside the major parking lot issue at Fulton, there are numerous facility violations that must be addressed. Of additional concern are the repeat facility violations from previous reports that remain uncorrected. Fresno County DETA must remedy the violations identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule by which all actions will be taken to correct the violations.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.

E&TA Policy and Procedure Guide	
Division 15: Office Procedures	Chapter 07: Programs: ALL
Item: 058 Language Access Services	
Suggested changes send to: Sunnie Deupree, Staff Analyst	Issued: May 23, 2008 Replaces Issue: February 29, 2008
References: Division 21	

Staff Development: Training Material

This Policy and Procedure Guide is governed by the Fresno County Salary Resolution, Personnel Rules, and Inter-Departmental Agreements (formerly called MOU's). Nothing in this Policy and Procedure Guide shall supersede the above items.

Introduction

Fresno County is committed to ensuring that clients receive meaningful access to its programs and services, as required by law. The key to providing meaningful access is to ensure that staff and clients can communicate effectively. Fresno County achieves this by first allowing the client to self-identify language and when that fails, assisting the client in identifying their primary language. This Policy and Procedure Guide (PPG) describes department policy in this area, and procedures to be followed in order to meet these requirements. This information applies to all programs and all sections of the Department of Employment & Temporary Assistance (E&TA).

Department Policy

In order to meet the needs of non-English proficient (NEP) and limited-English proficient (LEP) clients and disabled clients, Fresno County has established the Language Access services policies and procedures. These policies and procedures are in place so that NEP, LEP and disabled clients can be served in the same manner and in the same timeframe that all other clients are served. Any violation of these policies and procedures can result in violation a client's civil rights.

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Reception Staff

When a client is first greeted in a reception area, the reception staff is responsible for establishing Language Access need for NEP, LEP and disabled clients.

Reception staff can determine a client/client's need for Language Access services by allowing the client to self-identify. This can be achieved in one or more of the following ways:

- The client's own statement
- the client's own interpreter
- the use of an I-Speak card, or
- the use of the 2000 Census form

Other ways to identify a client's preferred language is by using the services of bilingual County staff or a contracted interpreter, provided primarily by the AT&T Language Line (LL).

The client should first be allowed to **self-identify** his/her language. Some examples of self-identifying would be the client's own statements, the use of an I-Speak card, or the 2000 Census form. If a client brings an interpreter, this may also be considered self-identifying, because the client has brought someone to tell us what language he/she speaks. If a client is unable to self-identify his/her language, then the County must take all reasonable steps to identify the client's preferred language, such as using bilingual County staff to interpret and the LL to try to determine what language the client speaks.

Once a client's language has been established, the client, or staff member helping them, will complete Input Document (113) and indicate the primary language in the field provided. (The language code will be entered into CalWIN by the reception area staff.)

To the extent possible, the case will be assigned to a worker who speaks the client's language.

Reception staff will assign clients to the language appropriate orientation session, as needed.

Reception staff should receive annual training in Language Access process in order to refresh staff in the use and location of the best resources the County has available.

For disabled clients, reception staff can establish a client's need for Language Access services by asking anyone who is struggling to communicate if they need Language Access services. This can be done by using auxiliary aids or services (see end of this PPG). **Staff should never ask a client if he or she is disabled.**

Clients are encouraged to self-identify a disability that may impede services in the normal course of business. If a client discloses a disability, that information should be followed-up by E&TA staff at all contacts with the client. The reception staff should ask if any accommodations are required in order to meet the client's needs. Most accommodations can be provided, but staff should request clarification from their supervisors if they have any questions.

Staff is prohibited from assuming or concluding that a client is disabled. Staff may only ask if any accommodation is required. The worker can make notes that prove to be helpful, such as "*client needs to meet downstairs due to a broken leg*". This is not the same as identifying a disability.

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Reception staff should notify the designated worker of the requested accommodation(s) and the self-identified disability, if any.

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Intake

The intake worker has special responsibilities to each client. It is the job of the intake worker to evaluate each client's need for Language Access services and set up the case correctly so that the client's Language Access needs are met on an ongoing basis. Intake workers receive assistance in this task by the Reception Staff, who see the client first. However, it is the duty of the intake worker to establish the client's ongoing need for Language Access services in all areas outlined on the Primary Language Form (2229). The client should be allowed to **self-identify** his/her needs in those areas either with or without Language Access (interpreter) assistance.

All new applicants in all programs will be given the 2229 form. (This form should also be completed annually and at the client's request.) The worker will explain and assist the client in its completion and request the client to sign the form. Form 2229 explains the client's right to interpretative services, and offers the option of receiving forms in English or another language. **All case folders must contain a signed paper 2229** (Edwards cases must be narrated as sight verified).

When the client indicates on form 2229 that they wish to receive forms in English rather than their primary language, it is mandatory for the worker to document in the working folder, either on form 2229, or in a narrative that will be filed under permanent retention, that the **client has chosen to receive the forms in English and the reason why.**

For clients who choose to receive forms in a language other than English, the worker must explain the following:

- Some forms are not available in all languages.
- The client may receive some forms in English.
- The client may obtain assistance by calling the assigned worker, who will translate the form or arrange for a translation, either in the office or over the phone.

The intake worker is also required to establish and document for all English-proficient clients, the ability or inability to read, write and understand the English language. The client should be asked about these skills and the worker should document the responses.

Publication 13

The designated worker should issue all forms available to the client in their requested language, per the 2229. Of particular importance is the Pub 13. The Pub 13 explains a client's rights and is available from the State in many languages. These can be found at ETA NET under Reference Library\Forms\Pub Folder. There are Audio Pub 13's in several languages that can be found in the same place. The Braille Pub 13 can be found in the reception area and should be made available for use to all clients who request it. Should a client request a take-home copy, the designated worker should contact the E&TA Civil Rights Investigator, Sunnie Deupree at 454-2996 immediately.

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Designated Worker

The “designated worker” may be a client’s assigned worker. It may also be an I-person who meets with the client, a lead worker, RSU worker, Appeals Specialist or anyone else who is designated to interact with the client regarding his/her case.

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State Hearings

An Appeals Specialist assigned to a State Hearing must let the State know as soon as possible that an interpreter will be needed for a Hearing. The assigned Appeals Specialist is also responsible to alert the State when a client is unable to attend in the office due to physical disability. A Hearing can be scheduled at a client’s home or, in rare instances, can be conducted over the phone. Because State Hearings are run by the State of California and not Fresno County, Fresno County has no jurisdiction or say in how interpreter services are offered and utilized by the Administrative Law Judges who work for the State of California. Interpreter services are offered by the State and cannot be offered by Fresno County due to conflict of interest. Any difficulties with procuring or utilizing interpreters should come to the attention of Elaine Price, SSPS, at 453-8560.

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Threshold Language and Substantial Number

“Threshold language” is defined as a specific language that a NEP or LEP client speaks that comprises 3% or more of any program by location’s total caseload. In Fresno County, the threshold languages are Spanish, Cambodian, Hmong, and Lao (as of 12-2007).

“Substantial number” is defined as a collective of all NEP and LEP cases that equal 5% or greater of the total caseload in that program and location.

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Forms and Notices

Forms and other written material must be offered to clients in their primary language when the California Department of Social Services (CDSS) provides such forms and other written material in that language. Forms and Notices of Actions that have been translated into other languages are available on the State Web site: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

The DEP3006 must be attached with all correspondence that is generated out of CalWIN. The DEP3006 is the approved form at the State level which informs clients to contact their worker to request interpreter services if the language on any form, NOA, etc. is not in their language.

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Verbal interpreter of forms and notices

When a client requests interpreter or explanation of a form that is not available in their language, interpretation must be provided. The designated worker is responsible to verbally translate, or have translated, all forms and notices issued not written in the client's language to the client either in the office or over the phone. You can find Audio Pub 13's at ETA NET under Reference Library\Forms\Pub Folder.

The designated worker is also responsible to read all forms and notices to clients who speak English, but cannot read or write, due to illiteracy, disability or both. This can be done either in the office or over the phone, as requested. The Audio Pub 13 referenced above is available in English.

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Documentation

The designated worker should document each time any Language Access services are offered and/or utilized. This includes bilingual workers speaking with the client in their own language, the use of Contracted Interpreters, verbal interpreter of forms and all other services that can be construed as pertaining to Language Access services rendered by Fresno County.

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Client's own Interpreter

Clients may utilize their own interpreter. However, the designated worker must also utilize Language Access services provided by the County until a form 2229A is completed. Part of the completion process is to have the form read to the client in his/her own language. Once a client signs the form, he/she may decline a free County interpreter in order to use their own. **This form must be completed each time the client uses a non-county/contracted interpreter.** This process is discouraged by the County due to potential errors that may occur from inaccurate translations and not completing the required form; however, we must accommodate those clients who agree to accept the risk involved.

A minor (under the age of 18 years) may never be used as an interpreter with the exception of one of the following two circumstances: To give information to reception staff to facilitate Language Access; or in an emergency.

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Use of Department or Contracted Interpreter

When the designated worker is not certified in the client's language, the worker **must** contact an interpreter from one of the following resources in order of priority:

1. Another E&TA staff member who speaks the same language as the client.
NOTE: A worker must get permission from his/her supervisor before going to step 2 or 3.
(A Program Manager can direct his/her program to waive this rule.)
2. A contracted interpreter.
3. AT&T Language Line. (LL)

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Department Translators

The Department maintains a list of certified bilingual staff for both written and oral translations. When there is no one available in the immediate work area, the EW can contact E&TA Personnel.

Use of a Contracted Interpreter

To use a contracted interpreter the County worker should check the contracted interpreter list by language desired, then times available. Call the requested interpreter and speak with them directly about what services are needed.

When a contracted interpreter is used during an interview, it is the County worker's responsibility to complete the interpreter's time sheet and sign it. The worker must enter the following information on the time sheet:

- Date services are being provided.
- Cost Center (Program Manager's Cost Center).
- Start time (time that the interpreter checked in with reception).
- End time (time that interview and translation services ended).
- Type of hours (business hours 8 a.m. to 5 p.m., after hours - after 5 p.m. and weekend).
- Task (indicate translation – Interpreting or Telephone. See time sheet).
- Print worker's name, district number and sign the interpreter's time sheet.

Contracted Interpreter Responsibilities

Contracted Interpreters are responsible for answering your calls or messages in an appropriate timeframe; arriving at the designated location on time; communicate timely any difficulties in meeting the County worker's request; and, translate fairly, impartially and accurately.

Contracted interpreters are responsible for accurately translating any specialized vocabulary and should seek clarification from the County worker for any terms that they do not fully understand.

The Contracted Interpreter should explain to the client that his/her role is to translate only, not to advocate on the part of the client and that the client should not say anything he/she does not wish translated to County worker.

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Written Communication

Not all of the contracted interpreters are certified to communicate in writing in their specified language. County workers should check the contracted interpreter list, to make sure the contractor they are requesting is also certified to communicate in writing (if this is needed).

Complaints

Complaints regarding Contracted Interpreters may be made by a County worker or client by e-mail or telephoning Pao Ly, Staff Analyst, at 453-6092.

The Civil Rights Coordinator or Investigator will be responsible for investigating all complaints regarding civil rights issues. Pao Ly will be responsible to investigate interpreter procedural matters, such as unsigned timesheets, complaints of tardiness, rudeness, etc. Pao Ly will be responsible for removing certified contracted interpreters from the County's list of available interpreters, should the outcome of an investigation warrant such action. Pao Ly will also be responsible for putting into action any and all other corrective action plans deemed necessary.

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AT&T Language Line

The AT&T Language Line (LL) is an automated service of translation via the telephone. Staff can use the LL from any phone. The following are instructions for securing a LL interpreter:

- 1 Dial 1-800-874-9426 (LL emergency number is 1-800-523-1786).
- 2 When prompted for the Client ID# enter 201695.
- 3 The caller will be asked for their "Personal Code" which will be the cost center (ask your supervisor) plus the caller's (employee's) 3- letter initials (first, middle, last name).
 - ✓ ET&A Administration's Cost Center is 7001. Use this if your cost center does not work.
 - ✓ For cost centers with the suffix "Y," staff will enter the cost center, the letter "Y" and their first and last initials (example - 1845YCN).
 - ✓ It is important that staff enter their cost center. This is what LL uses to bill the County and in the invoice reconciliation by our Human Services Financial Services Office. The initials are used as an identifier.
- 4 When asked the name of the organization, it is "County of Fresno".

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Deaf, Hard of Hearing or Visually Challenged Services

The Department contracts with Deaf and Hard Hearing Service Center, Inc. To access these services, the worker can call 225-3382 for a translator to come to your office to translate for the person who is deaf or hard of hearing. The services are available any time, not just during regular business hours.

Clients who wish to contact the department using a Telecommunication Device for the Deaf (TDD) may call 494-3033. Department staff needing to place a TDD call to a client may do so through the County operator by dialing 488-3033.

Another available resource provided by the State is PUB 220: California Directory of Resource Information for People Who are Deaf and Hard of Hearing.

Computers in the interview booth may be used to create large type versions of department forms, either for viewing on screen, or printing. Large print versions of forms may be created on photocopy machines with the "enlarge" feature. **Workers may also verbally transmit information to the person with a visual disability.**

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